REMARKS

Applicants have reviewed the Office Action of June 13, 2002 and note that the obviousness rejections based on the combination of the Chenoweth, Swan, and Haines et al. patents are withdrawn as moot. The foregoing amendments are submitted to address minor issues with respect to claims 1 and 15.

Claims 1-9, 11, 15-18 and 20 are now rejected as anticipated by the Swan et al. patent. For such a rejection to be proper, it is axiomatic that each and every limitation set forth in these claims must be found in this patent. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989). If this "strict identity" requirement is not met, then an anticipation rejection is without merit and must be withdrawn.

As discussed extensively in past correspondence, the Swan et al. patent relates to a web of melt-blown polypropylene rather than a web or blanket of primary fibers and bi-component polymer binder fibers such as those set forth and claimed in claim 1 of the present patent application. While the Swan et al. patent does refer to the utilization of bi-component binder fibers, it only does so in the context of melt-blown polypropylene microfibers and does not suggest their use in a combination of fibers as set forth and claimed in claim 1. Accordingly, it cannot possibly meet the

terms of claim 1 with the requisite strict identity to support the anticipation rejection made.

Moreover, claim 1 expressly requires that "the binder component . . . [has] a softening point lower than the softening point of the principal component, and the binder component . . . [has] been heated to a temperature that is insufficient to soften the principal component but sufficient to soften the binder component to bond the multi-component polymer binder fibers and the primary fibers to themselves and to each other." The Swan et al. patent does not expressly mention of providing a blanket including bi-component fibers comprising a binder component with a softening point lower than the softening point of the principal component, as is required to establish a *prima facie* case of anticipation. Furthermore, the Examiner does not explain why the same would be inherent (which does not mean merely probable or possible). Indeed, the "preferred binder fiber" described comprises a "core of crystalline polyethylene terephthalate surrounded by a sheath of an adhesive polymer formed from isophthalate and terephthalate esters," and "usable bicomponent polyethylene-polypropylene fibers" are also mentioned. However, nothing is said about the relative softening points of these fibers, which makes the anticipation rejection of claim 1 specious.

Claims 2-9 and 11 which depend from claim 1 and are rejected on the same grounds are equally allowable for the same reasons. Further, these claims provide additional limitations that support allowability over the Swan et al. patent. For example, claim 4 explicitly provides that the flange has a thickness of less than about 15% of the thickness of the blanket. No specific structure of this nature is in any way taught or suggested in the Swan et al. patent. The Examiner cites to thickness ranges of the "web" of "0.5 cm to about 15 cm" and then notes an exemplary teaching of a "reduced thickness area" of 508Φ (0.0508 cm). However, the "web" is only part of the "blanket" 10 of the structure, and nothing express or inherent in this patent describes this exemplary reduced thickness dimension as a percentage of a larger portion of a corresponding "blanket" (which is not provided). Hence, the rejection of this claim on anticipation grounds is unsound.

Additionally, claim 11 explicitly provides that the primary fibers of the blanket are polyethylene terephthalate fibers and that the bi-component binder fibers include a core of polyethylene terephthalate and a sheath of polyethylene terephthalate. Again, the Swan et al. patent does not teach or suggest such a structure, and in fact, mentions polyethylene terephthalate in the context of binder fibers only (see col. 4, ll. 54-55). Accordingly, there

is no basis whatsoever for an anticipation rejection of claim 11, which requires not only binder fibers including a core of polyethylene terephthalate and a sheath of polyethylene terephthalate, but also primary fibers of polyethylene terephthalate. In other words, the "strict identity" test is plainly not met.

Independent claim 15 also clearly patentably distinguishes over the Swan et al. patent. Claim 15 reads on an acoustical insulation product for a vehicle comprising a blanket of polymer fibers and a water resistant facing material. The blanket of polymer fibers includes primary fibers and bi-component polymer binder fibers made of a principal polymer component and a binder polymer component having different softening points.

While the Swan et al. patent discloses an acoustical insulation laminate with a water shield or barrier of thermoplastic film, it only teaches providing such a film on a web of microfibers and specially thermally stabilized melt-blown polypropylene microfibers. Thus, Swan et al. does not disclose that a water resistant facing material may be laminated to a blanket of the type set forth and claimed in claim 15 (including one in which a binder component has a softening point lower than the softening point of a principal component). Accordingly, claim 15 and claims 16-18

and 20 which depend from claim 15 clearly patentably distinguish over this patent.

In fact, claim 20 also provides that the primary fibers are polyethylene terephthalate fibers and the bi-component fibers include a core and sheath of polyethylene terephthalate. As mentioned above, Swan et al. fails to disclose a blanket material including primary fibers and bi-component fibers all made from polyethylene terephthalate. Therefore, it simply cannot disclose the invention of this claim with the requisite strict identity to support an anticipation rejection.

In summary, none of the claims presently pending in this patent application are anticipated by the Swan et al. patent. Upon careful review and consideration of this response, it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

A two-month extension of time for responding to the Office Action is submitted with this response, thus moving the response deadline to November 13, 2003. If any fees are required pertaining to this response, Applicant requests that they be charged to Deposit Account No. 50-0568.

Respectfully submitted,

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Date: 14 Nov. 2003

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